

**GOVERNMENT OF INDIA  
COMMERCE AND INDUSTRY  
LOK SABHA**

STARRED QUESTION NO:326  
ANSWERED ON:17.12.2012  
PATENT OF AYURVEDIC MEDICINES  
Lal Shri Kirodi

**Will the Minister of COMMERCE AND INDUSTRY be pleased to state:**

- (a) whether the Government has received applications from foreign and Indian companies for patenting of formulas prepared through the traditional Indian Ayurvedic System of Medicine;
- (b) if so, the details thereof along with the patents granted by the Government to the foreign/Indian companies for the purpose;
- (c) whether any proposal is under consideration of the Government to restrict the patents for the formulas relating to the Indian Ayurvedic System of Medicine to Indian companies only;
- (d) if so, the details thereof and if not, the reasons therefor; and
- (e) the steps taken by the Government to protect the traditional medicines from foreign patents?

**Answer**

THE MINISTER OF COMMERCE AND INDUSTRY (SHRI ANAND SHARMA)

(a) to (e): A statement is laid on the Table of the House

STATEMENT REFERRED TO IN REPLY TO LOK SABHA STARRED QUESTION NO. 326 BY DR. KIRODI LAL MEENA REGARDING PATENTS OF AYURVEDIC MEDICINES FOR ANSWER ON 17.12.2012.

(a) & (b) : An invention, which, in effect, is traditional knowledge or which is an aggregation or duplication of known properties of traditionally known component or components, is not patentable under Section 3(p) of the Patents Act, 1970. However, the substantial improvements over traditional medicines which meet the requirements prescribed for patentability in the Patents Act, 1970 can be granted patents.

As on 30th November, 2012, 84 applications were filed by foreign entities and 523 applications were filed by Indian entities for grant of patents for products, formulation, compositions & processes in the field related to traditional ayurvedic medicine, medicinal plants and herbal based formulations. Of these, as on that date, 26 patents have been granted to foreign entities and 93 patents to Indian entities.

The details of the applications filed are available in the public domain. The details of patents granted by the Office of CGPDTM to the foreign and Indian entities are at Annexure A & B respectively.

(c): No, Madam.

(d): Under the Agreement on Trade Related Intellectual Property Rights (TRIPS Agreement) to which India is committed, every country is required to accord to the nationals of other countries, treatment which is no less favourable than it accords to its own nationals with regard to the protection of intellectual property. Therefore, the question to restrict the patents for inventions based on Ayurvedic System of Medicine to Indian companies does not arise.

(e): The Patent Act, 1970 as amended in 2005 incorporates provisions to protect traditional knowledge from being patented in India. Further, the Government has established the Traditional Knowledge Digital Library (TKDL) with the objective of preventing misappropriation of traditional Indian medicinal knowledge of Ayurveda, Unani, Siddha & Yoga. The TKDL has been prepared in five languages, namely English, French, German, Japanese and Spanish in patent compatible format to make available the existing knowledge which is already in public domain to the patent examiners so that such patent applications which are traditional knowledge are rejected at the examination stage itself.

Besides this, the Biodiversity Act, 2000 also requires an applicant to seek prior approval of the National Biodiversity Authority before making an application for any intellectual property right which involves an invention based on biological resources obtained from India.